

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

NOVEMBER 19, 2008

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

REGULAR MEETING – 6:00 P.M.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:00 p.m.

ROLL CALL

Councilmembers present:	Winter, McLean, Bragg
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	McCoy

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

CITY MANAGER BROWN announced that on the agenda, the Resolution No. for Item No. 2.3 should be corrected to read Resolution No. 2008-6691.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE & COMMUNITY ANNOUNCEMENTS

COUNCILMEMBER WINTER announced she attended the League of California Cities luncheon meeting.

COUNCILMEMBER MCLEAN announced that he also attended the League of California Cities luncheon meeting and reported that Councilmember Winter, along with other elected officials who are leaving office, were honored for their service; he attended the monthly lecture series at the Tijuana Estuary where Phillip Pry spoke on global warming; he spoke about the successful Bicycle Rodeo event; and announced the Christmas Comes to IB event is scheduled for December 6; a Pearl Harbor memorial service is scheduled for December 7; Victor Villasenor, author of Crazy Loco Love, will have a book signing at the Imperial Beach library on December 8, guitarist Jose Rodriguez will perform December 10 at the library; and he reported on the Military Affairs Subcommittee meeting that took place this morning.

COUNCILMEMBER BRAGG wished everyone a happy Thanksgiving and encouraged all to shop locally.

MAYOR JANNEY announced that he also attended the League of California Cities luncheon meeting and recognized Councilmember Winter for her many years of service as the City's League representative.

COMMUNICATIONS FROM CITY STAFF

None

PUBLIC COMMENT

CRAIG WEAVER, representing the IBFA, provided the City Council with Imperial Beach challenge coins and thanked them for their commitment to the Imperial Beach community.

PRESENTATIONS (1.1 - 1.2)

1.1 PRESENTATION OF CERTIFICATES OF ACCOMPLISHMENT TO FIRE PREVENTION WEEK POSTER CONTEST WINNERS. (0410-30)

CRAIG WEAVER, Firefighter/Engineer/Paramedic, reported that over 360 2nd grade students were educated on the importance of fire safety awareness this year and over 4,000 students have been educated on the subject matter over the many years that the program has been in place; he presented a plaque to Cynthia Melcher, Assistant Vice President/Branch Manager of North Island Credit Union, for her participation in the program over the last seven years and he recognized Judy Sisson, of IB Trophy and Awards, for donating the recognition plaques.

MAYOR JANNEY, along with FIREFIGHTER WEAVER, presented certificates of accomplishment to the following 2nd grade winners of the Fire Prevention Week poster contest:

Francisco Sandoval of Westview Elementary School
Saul Nava of Oneonta Elementary School
Kiera Lopez of Bayside Elementary School
Kiara Hertenstien of Imperial Beach Elementary School

MAYOR JANNEY, along with PUBLIC SAFETY DIRECTOR SOTELO, presented Firefigher Weaver with a proclamation for developing the Fire Prevention Education Program along with the elementary schools in the City of Imperial Beach and for mentoring students about fire prevention through such notable programs as the poster contest.

1.2 RECYCLE ALL-STAR AWARD PRESENTATION. (0270-30)

MAYOR JANNEY presented the Recycle All-Star Award Certificate to Kris Music.

MARCO TOPETE, of EDCO, presented a \$100.00 check and used oil recycling premiums to Ms. Music.

CONSENT CALENDAR (2.1 - 2.4)

MOTION BY MCLEAN, SECOND BY MCCOY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.4, INCLUDING THE CORRECTION OF THE RESOLUTION NO. TO READ 2008-6691 FOR ITEM NO. 2.3. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Regular City Council Meeting of November 5, 2008.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 67457 through 67547 with the subtotal amount of \$163,596.64; and Payroll Checks 40343 through 40391 for the pay period ending 10/23/08 with the subtotal amount of \$144,225.78; for a total amount of \$307,822.42.

2.3 RESOLUTION NO. 2008-6691 – CALLING A PUBLIC HEARING TO DETERMINE IF THE PUBLIC HEALTH, SAFETY OR WELFARE REQUIRES THE FORMATION OF AN UNDERGROUND UTILITY DISTRICT IN ELM AVENUE FROM 7TH STREET TO 3RD STREET AND 7TH STREET FROM PALM AVENUE TO ENCINA AVENUE – “ELM AVENUE AND 7TH STREET UNDERGROUND UTILITY DISTRICT”. (0810-20)

1. Received report; and
2. Adopted resolution.

2.4 LOCAL APPOINTMENT LIST. (0460-45)

Approved the Local Appointments List in compliance with Government Code §54972, and authorized the City Clerk to post said list at City Hall and the Library in compliance with Government Code §54973.

ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1)

5.1 JIM KENNEDY, PARSONS CORP. FOR OMNIPOINT/T-MOBILE (APPLICANT)/TORREY PINE MERZOTIS PROPS. (OWNER); REGULAR COASTAL PERMIT (CP 080015), CONDITIONAL USE PERMIT (CUP 080016), DESIGN REVIEW CASE (DRC 080017), AND SITE PLAN REVIEW (SPR 080018) TO INSTALL A TELECOMMUNICATIONS FACILITY ON A MONOPALM FAUX TREE STRUCTURE LOCATED AT 933 SEACOAST DRIVE IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 974. (0600-20)

MAYOR JANNEY declared the continued public hearing open.

CITY MANAGER BROWN introduced the item.

ASSOCIATE PLANNER FOLTZ gave a PowerPoint presentation on the item.

LESLIE MCCOLLUM spoke in opposition to the project and suggested placement of the antenna at another location.

RICK EMILSON spoke in opposition to the project.

JONATHAN HARDY, representing Senator Ducheny; expressed appreciation of staff's efforts in working with the constituency and businesses in the community.

JOHN HAUPT stated he was neutral on the item; he noted due to the inconvenience of dropped calls, it would be beneficial to the community to have an antenna installed.

JIM KENNEDY, representing T-Mobile, explained why the other locations under consideration were unsuitable; he also noted that T-Mobile worked with staff to provide a project that addressed the coverage gap, as well as complied with the City's code; he responded to concerns of Council pertaining to noise; he reviewed the three external antenna designs with their corresponding heights.

MAYOR PRO TEM MCCOY announced she was absent from the September 17, 2008 City Council meeting; she has reviewed the record, listened to the recording of the public hearing and would participate in the discussion of the item.

DOUG STEVENS, radiofrequency engineer, representing T-Mobile; responded to questions of Council regarding antenna height versus coverage area; and responded to questions regarding the site analysis of radiofrequency emissions.

In response to questions raised, CITY ATTORNEY LOUGH stated that per the municipal code: 1) existing parking may not be removed; 2) that if a service provider discontinued operation of a wireless facility, they would be required to remove it; and 3) if there were any violations of the CUP, a permit revocation is allowed and he cited a recent example.

MR. KENNEDY reviewed each location that was under consideration and explained why the heights for the antennas varied.

MAYOR JANNEY closed the public hearing.

City Council discussion ensued.

In opposition to the project, the following concerns were raised and discussed: the vagueness of IBMC noise regulations; the need for more information on the Elkwood parking lot and Dunes Park as potential sites; and locating a cell tower near a residential area.

In support of the project, discussion ensued regarding the following: that all proposed sites are surrounded by residential properties; siting an antenna at Dunes Park is not allowed; that due to less people having LAN lines, wireless facilities are needed in order to place calls during emergencies; the need to provide citizens better cell phone coverage; the applicant has shown that the proposal solves a significant gap in coverage; and there is an abundance of information to make a decision tonight.

MOTION BY MCLEAN, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2008-6692, APPROVING REGULAR COASTAL PERMIT (CP 080015), CONDITIONAL USE PERMIT (CUP 080016), DESIGN REVIEW CASE (DRC 080017), AND SITE PLAN REVIEW (SPR

080018), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS.

Council discussion ensued regarding a requirement for noise muffling equipment.

CITY ATTORNEY LOUGH suggested the resolution be amended to add the following to the end of Condition No. 7: "Noise baffling shall be placed on the base station equipment to limit noise emissions to the satisfaction of the Community Development Director."

COUNCILMEMBERS MCLEAN AND BRAGG agreed to amend the motion to include the amendment.

COUNCILMEMBER WINTER stated that the proposed location violates the intent of the law to prohibit wireless facilities in residential areas; she noted that the proposed site, although in the C-2 Seacoast Commercial zone, is within 25 feet of a residential area; she stated that more information was needed on the Elkwood parking lot; and spoke in opposition to the item.

In response to Mayor Janney, ASSOCIATE PLANNER FOLTZ stated that the City Council recently approved the placement of an antenna on top of a roof for a residential complex which is within 25 feet of residential area.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY MCLEAN, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2008-6692, APPROVING REGULAR COASTAL PERMIT (CP 080015), CONDITIONAL USE PERMIT (CUP 080016), DESIGN REVIEW CASE (DRC 080017), AND SITE PLAN REVIEW (SPR 080018), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS, INCLUDING THE AMENDMENT TO CONDITION NO. 7 AS READ INTO THE RECORD BY THE CITY ATTORNEY. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCLEAN, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	WINTER, MCCOY
DISQUALIFIED:	COUNCILMEMBERS:	NONE

REPORTS (6.1 - 6.5)

6.1 RESOLUTION NO. R-08-164 – AWARDING CONTRACT FOR STREET IMPROVEMENTS, RDA, PHASE 3A PROJECT. (0720-25)

MAYOR PRO TEM MCCOY AND COUNCILMEMBER WINTER announced they had potential conflicts of interest on the item as their homes are within 500 feet of the project and left Council Chambers at 7:58 p.m.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN announced a revised staff report and resolution were submitted as Last Minute Agenda Information and gave a report on the item; he noted that the lowest bid received was nonresponsive and the contractor submitted a letter noting that they understood their bid was nonresponsive and they would not contest the decision to award the contract to another bidder.

MOTION BY BRAGG, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. R-08-164, AWARDING CONTRACT FOR STREET IMPROVEMENTS, RDA, PHASE 3A PROJECT (CIP S04-108). MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCLEAN, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	WINTER, MCCOY (DUE TO A POTENTIAL CONFLICT OF INTEREST)

MAYOR PRO TEM MCCOY AND COUNCILMEMBER WINTER returned to Council Chambers at 8:03 p.m.

6.2 RESOLUTION NO. 2008-6693 – ADOPTING AMENDMENT NO. 1 TO TRANSNET EXTENSION LOCAL STREET AND ROAD PROGRAM OF PROJECTS FOR FISCAL YEARS 2009-2013. (0680-80)

MAYOR JANNEY announced he had a potential conflict of interest on the item as his residence is within 500 feet of the project and left Council Chambers at 8:04 p.m.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

MOTION BY BRAGG, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. 2008-6693, ADOPTING AMENDMENT 1 TO TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2009-2013. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	WINTER, MCLEAN, BRAGG, MCCOY
NOES:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	JANNEY (DUE TO A POTENTIAL CONFLICT OF INTEREST)

MAYOR JANNEY returned to Council Chambers at 8:08 p.m.

6.3 APPROVAL OF “ONE WITH WAVE” SCULPTURE LOCATION, BASE AND INSTALLATION COSTS. (1000-10)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item and noted that the pedestal base was designed by the artist.

MOTION BY BRAGG, SECOND BY MCLEAN, TO APPROVE THE INSTALLATION CONCEPT OF THE “ONE WITH WAVE” SCULPTURE AND TO APPROVE THE USE OF THE 405-1260-549-___ ACCOUNT FUNDS TO FUND THE INSTALLATION COSTS OF THE “ONE WITH WAVE” SCULPTURE. MOTION CARRIED UNANIMOUSLY.

**6.4 DESIGN REVIEW BOARD – THREE TERMS EXPIRING DECEMBER 31, 2008.
(0120-30)**

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY recommended reappointment of members Janet Bowman, Shirley Nakawatase, and Harold Phelps to the Design Review Board in accordance with Chapter 2.18.010.C of the I.B.M.C. New terms of office shall begin January 1, 2009 and expire December 31, 2012.

MOTION BY MCCOY, SECOND BY MCLEAN, TO APPROVE MAYOR'S APPOINTMENT SELECTIONS TO THE DESIGN REVIEW BOARD. MOTION CARRIED UNANIMOUSLY.

**6.5 TIDELANDS ADVISORY COMMITTEE – TWO TERMS EXPIRING
DECEMBER 31, 2008. (0120-90)**

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY recommended reappointment of members Edward Spriggs and Maxx Stalheim to the Tidelands Advisory Committee in accordance with Chapter 2.18.010.C of the I.B.M.C. New terms of office shall begin January 1, 2009 and expire December 31, 2010.

MOTION BY MCCOY, SECOND BY BRAGG, TO APPROVE MAYOR'S APPOINTMENT SELECTIONS TO THE TIDELANDS ADVISORY COMMITTEE. MOTION CARRIED UNANIMOUSLY.

ITEMS PULLED FROM THE CONSENT CALENDAR

None.

MAYOR/COUNCIL REPORTS ON ASSIGNMENTS AND COMMITTEES

None.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:15 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk